

Program B: Louisiana Indigent Defense Assistance Board

Program Authorization: R.S. 15:151 et seq.

PROGRAM DESCRIPTION

The mission of the Louisiana Indigent Defense Assistance Board is to coordinate and improve the public defender system through education, specialized training, technical assistance, sound financial and administrative guidelines, case assistance and managed resource allocation.

The goals of the Louisiana Indigent Defense Assistance Board are:

1. Standardize workload and attorney support units on a statewide basis.
2. Provide quality legal representation in appellate practice by delivering well analyzed and argued appellate briefs and cogent, effective oral arguments on behalf of individual clients.
3. Provide trained, certified, effective counsel to indigent clients charged with a capital crime, appealing a capital conviction and pursuing post-conviction relief.
4. Improve the administrative oversight of attorneys and support staff employed to provide defense services to the program's clients.

The Louisiana Indigent Defender Board, an interim Board, was established by Supreme Court Rule XXXI upon the recommendation of an inter-branch task force composed of members from the legislative, executive and judicial branches. The Board, which was created under the judicial branch of state government, is composed of no less than seven and no more than 15 persons, appointed by the Chief Justice with concurrence of a majority of the Associate Justices. In addition to the necessary and usual powers of the board, the Supreme Court Rule charges the Board with certain responsibilities toward improving the administration of criminal justice in the arena of indigent defense. The Board had a sunset provision of December 31, 1997.

On January 1, 1998, R.S. 15:151 et seq. went into affect, establishing and empowering the Louisiana Indigent Defense Assistance Board (LIDAB), an independent agency of the Executive Branch. Act10 of the 1998 Regular Legislative Session (General Appropriations Bill) transferred LIDAB to the Executive Office of the Governor as a separate program. The newly created board possesses the powers and duties of its previous board with added rule making authority. In addition, the power to appoint members was transferred to the governor (3 members and designate chairman), the president of the Senate (3 members), the speaker of the House of Representatives (3 members) and one voting member is appointed by each of the following: the Louisiana Association of Criminal Defense Lawyers, the Louisiana Public Defenders Association, and the Louisiana Trial Lawyers Association.

The Louisiana Indigent Defense Assistance Board consists of the following activities: District Assistance Fund, Appellate Cases, Capital Cases and Ancillary Services.

OBJECTIVES AND PERFORMANCE INDICATORS

Unless otherwise indicated, all objectives are to be accomplished during or by the end of FY 2000-2001. Performance indicators are made up of two parts: name and value. The indicator name describes what is being measured. The indicator value is the numeric value or level achieved within a given measurement period. For budgeting purposes, performance indicator values are shown for the prior fiscal year, the current fiscal year, and alternative funding scenarios (continuation budget level and Executive Budget recommendation level) for the ensuing fiscal year (the fiscal year of the budget document).

The objectives and performance indicators that appear below are associated with program funding in the Base Executive Budget for FY 2000-01. Specific information on program funding is presented in the financial sections that follow performance tables.

1. (KEY) Through the Juvenile Defender activity, to reduce the number of youth in secure care facilities through motions to modify filed in district court.

Explanatory Note: See La. R.S. 15: 151 *et seq.*

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
K	Youth Post-Dispositional Advocacy -Number of youths served	Not applicable ¹	24	Not applicable ¹	80 ¹	80	80

¹ This is a new indicator. It did not appear under Act 19 of 1998 or Act 10 of 1999 and has no performance standards for FY 1998-99 and FY 1999-00. The value shown for existing performance standard is an estimate not a standard.

2. (KEY) Through the Technical Assistance activity, to provide \$31.25 for each opened felony case to each district indigent defender board.

Explanatory Note: Funding requested for this particular activity will be used to defray mandated costs in capital appeals and post-conviction counseling. See La. R.S. 15:151 *et seq.*

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
K	Supplemental funding to 41 judicial district indigent defender boards per opened felony case	Not applicable ¹	\$68.18	Not applicable ¹	\$100.00 ¹	\$43.48 ²	\$31.25 ³

¹ This is a new indicator. It did not appear under Act 19 of 1998 or Act 10 of 1999 and has no performance standards for FY 1998-99 and FY 1999-00. The value shown for existing performance standard is an estimate not a standard.

² The continuation budget level for FY 2000-01 is based on approximately 47,000 felony cases handled by the indigent defense system.

³ A change in the law mandated that IDAB assume responsibility for all capital cases. (See Objectives 4 and 5.) Technical Assistance Program funding will be used to provide defense services in post-conviction proceedings. The calculation made to determine the amount of supplemental assistance for the recommended budget level is based on an increase in felony filings (to approximately 48,000) and a reduction in overall funding for the District Assistance Fund due to shortages in capital appeals and capital post-conviction.

3. (KEY) Through the Appellate activity, to provide defense services in 100% of non-capital felony appeals taken in Louisiana.

Explanatory Note: See La. R.S. 15:151 *et seq.*

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
K	Percentage of provision of counsel in non-capital appeals	Not applicable ¹	100%	Not applicable ¹	100% ¹	100%	100%

¹ This is a new indicator. It did not appear under Act 19 of 1998 or Act 10 of 1999 and has no performance standards for FY 1998-99 and FY 1999-00. The value shown for existing performance standard is an estimate not a standard.

4. (KEY) Through the Capital activity, to provide defense services in 10% of capital post-conviction proceedings.

Explanatory Note: See La. R.S. 15:149.1 and La. R.S. 15:151.2 (E)(2). The budget requested and approved for FY 1999-00 included no funding for capital post-conviction proceedings. The legislature, however, amended Title 15 and mandated that the Louisiana Indigent Defense Assistance Board (LIDAB) handle all capital post-conviction proceedings.

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
K	Percentage provision of counsel to capital defendants in post-conviction proceedings in state court	Not applicable ¹	0%	Not applicable ¹	100% ¹	100% ²	10% ³

¹ This is a new indicator. It did not appear under Act 19 of 1998 or Act 10 of 1999 and has no performance standards for FY 1998-99 and FY 1999-00. The value shown for existing performance standard is an estimate not a standard.

² Continuation level uses money from the Technical Assistance Program to provide defense services in post-conviction proceedings.

³ Only approximately 10% of these cases can be handled by reduction of services in the District Assistance Fund and the Technical Assistance Program. The LIDAB indicates that further reductions in either of these programs would result in serious constitutional problems in the provision of counsel to the indigent clients of this state.

5. (KEY) Through the Capital activity, to provide defense services in 40% of capital appeals.

Explanatory Note: See La. R.S. 15:149.1 and La. R.S. 15:151.2 (E)(2). The budget requested and approved for FY 1999-00 included funding for 50% of capital appeals. The legislature, however, amended Title 15 mandating that the Louisiana Indigent Defense Assistance Board (LIDAB) assume the costs of 100% of capital appeals.

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
K	Percentage provision of counsel to capital defendants on appeal to Louisiana Supreme Court and U.S. Supreme Court	Not applicable ¹	35%	Not applicable ¹	100% ¹	100% ²	40% ³

¹ This is a new indicator. It did not appear under Act 19 of 1998 or Act 10 of 1999 and has no performance standards for FY 1998-99 and FY 1999-00. The value shown for existing performance standard is an estimate not a standard.

² A change in the law mandated that IDAB assume responsibility for all capital cases. Continuation level uses money from the Technical Assistance Program to provide defense services in capital appeals.

³ Only 40% of these cases can be handled under the recommended budget level. The LIDAB has maintained funding for approximately 35% of these cases; however, only an additional 5% of these appeals can be handled on the Executive Budget recommendation level, and these services will be provided through the reduction of services in the District Assistance Fund and Technical Assistance Program. According to the LIDAB, any further reductions in either of these programs would result in serious constitutional problems in the provision of counsel to the indigent clients of this state.

RESOURCE ALLOCATION FOR THE PROGRAM

	ACTUAL 1998-1999	ACT 10 1999- 2000	EXISTING 1999- 2000	CONTINUATION 2000 - 2001	RECOMMENDED 2000 - 2001	RECOMMENDED OVER/(UNDER) EXISTING
MEANS OF FINANCING:						
STATE GENERAL FUND (Direct)	\$7,470,633	\$7,510,728	\$7,510,728	\$7,494,978	\$7,517,315	\$6,587
STATE GENERAL FUND BY:						
Interagency Transfers	0	0	0	0	0	0
Fees & Self-gen. Revenues	0	0	0	0	0	0
Statutory Dedications	0	0	0	0	0	0
Interim Emergency Board	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
TOTAL MEANS OF FINANCING	\$7,470,633	\$7,510,728	\$7,510,728	\$7,494,978	\$7,517,315	\$6,587
EXPENDITURES & REQUEST:						
Salaries	\$202,578	\$219,240	\$219,240	\$219,240	\$225,690	\$6,450
Other Compensation	11,811	23,666	23,666	23,666	23,666	0
Related Benefits	31,784	36,024	36,024	36,024	38,491	2,467
Total Operating Expenses	75,658	103,800	103,800	103,800	102,220	(1,580)
Professional Services	8,050	21,000	21,000	21,000	21,000	0
Total Other Charges	7,091,248	7,091,248	7,091,248	7,091,248	7,091,248	0
Total Acq. & Major Repairs	31,077	15,750	15,750	0	15,000	(750)
Unallotted	18,427	0	0	0	0	0
TOTAL EXPENDITURES AND REQUEST	\$7,470,633	\$7,510,728	\$7,510,728	\$7,494,978	\$7,517,315	\$6,587
AUTHORIZED FULL-TIME						
EQUIVALENTS: Classified	0	0	0	0	0	0
Unclassified	5	5	5	5	5	0
TOTAL	5	5	5	5	5	0

SOURCE OF FUNDING

This program is funded with State General Fund.

ANALYSIS OF RECOMMENDATION

GENERAL FUND	TOTAL	T.O.	DESCRIPTION
\$7,510,728	\$7,510,728	5	ACT 10 FISCAL YEAR 1999-2000
			BA-7 TRANSACTIONS:
\$0	\$0	0	None
\$7,510,728	\$7,510,728	5	EXISTING OPERATING BUDGET – December 3, 1999
\$7,337	\$7,337	0	Unclassified State Employees Merit Increases for FY 2000-2001
\$15,000	\$15,000	0	Acquisitions & Major Repairs
(\$15,750)	(\$15,750)	0	Non-Recurring Acquisitions & Major Repairs
\$7,517,315	\$7,517,315	5	TOTAL RECOMMENDED
\$0	\$0	0	LESS GOVERNOR'S SUPPLEMENTARY RECOMMENDATIONS
\$7,517,315	\$7,517,315	5	BASE EXECUTIVE BUDGET FISCAL YEAR 2000-2001
			SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON SALES TAX RENEWAL:
\$0	\$0	0	None
\$0	\$0	0	TOTAL SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON SALES TAX RENEWAL
			SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE:
\$0	\$0	0	None
\$0	\$0	0	TOTAL SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE
\$7,517,315	\$7,517,315	5	GRAND TOTAL RECOMMENDED

The total means of financing for this program is recommended at 100.0% of the existing operating budget. It represents 84.1% of the total request (\$8,939,153) for this program.

PROFESSIONAL SERVICES

\$10,000	Computer Network Analyst
\$10,000	Legal contract services
\$1,000	Engineering and architectural services
\$21,000	TOTAL PROFESSIONAL SERVICES

OTHER CHARGES

\$7,091,248 Inclusive of activities, such as District Assistance Fund (\$3,000,000), Felony Appellate (\$1,093,836), Capital Appellate (\$101,357), Capital Conflicts (\$424,590), Ancillary Services activities (\$102,215), Capital Trial Program (\$2,050,000), Capital Post Conviction Program (\$149,500), Capital Consultation Program (\$59,500), and Technical Assistance Program (\$110,250).

\$7,091,248 TOTAL OTHER CHARGES

ACQUISITIONS AND MAJOR REPAIRS

\$15,000 Replacement of office equipment and general maintenance

\$15,000 TOTAL ACQUISITIONS AND MAJOR REPAIRS